

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**BAO YI YANG, et al.,**

**Plaintiffs,**

**vs.**

**SHANGHAI GOURMET, LLC, et al.,**

**Defendants.**

**Case No.: C-3:07-4482-NC (KAW)**

**ORDER**

This case is currently set for a settlement conference on June 13, 2012. Despite orders on May 5, 2012 and June 6, 2012 directing the parties to comply with the undersigned's settlement conference standing order, and threatening sanctions for noncompliance, neither of the parties has fully complied with the standing order.

The parties' untimely settlement conference statements do not adequately address the specific issues listed in the standing order, or the issues the Ninth Circuit Court of Appeals has directed the district court to decide on remand. *See* Dkt #113 (Ninth Circuit's order). Defendants' "mediation brief" argues the merits of issues already decided against them by the Ninth Circuit. Plaintiffs' settlement conference statement includes assumptions of fact without citations to supporting evidence.

The undersigned's standing order allows parties to file 10 page settlement conference statements with up to 20 pages of attached exhibits. Defendants' brief is 25 pages long, and neither party attached any exhibits.

In light of these issues, a settlement conference at this time would be fruitless.

Accordingly, it is hereby ORDERED that:

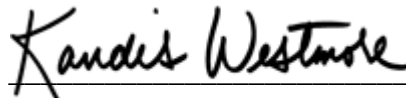
1. The settlement conference set for June 13, 2012 is continued until June 20, 2012 at 11:00 a.m. at the United States District Court, 1301 Clay Street, Oakland, CA 94612. The clerk of the court will issue a notice with the courtroom number and floor information.

2. The parties are ordered to meet and confer as set out in the undersigned's settlement conference standing order.

3. After the parties meet and confer, they shall LODGE revised settlement conference statements specifically addressing the issues set out in the undersigned's standing order, and the Ninth Circuit's order in this case, no later than 10 a.m. on June 18, 2012.

4. Failure to comply with this order may result in the issuance of sanctions.

**DATE: June 12, 2012**



**KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE**